



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

August 21, 1997

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Jonathan D. Mount, President  
MDS Communications Corp.  
5005 S. Ash Avenue, Suite 15A  
Tempe, AZ 85282

RE: MUR 3774

Dear Mr. Mount:

The Federal Election Commission has the statutory duty of enforcing the Federal Election Campaign Act of 1971, as amended, and Chapters 95 and 96 of Title 26, United States Code. The Commission has issued the attached Order to Submit Written Documents and Subpoena to Produce Documents which requires you to provide certain information in connection with an investigation it is conducting. The Commission does not consider you a respondent in this matter, but rather a witness only.

Because this information is being sought as part of an investigation being conducted by the Commission, the confidentiality provision of 2 U.S.C. § 437g(a)(12)(A) applies. That section prohibits making public any investigation conducted by the Commission without the express written consent of the person with respect to whom the investigation is made. You are advised that no such consent has been given in this case.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to this subpoena and order. However, you are required to submit the information within 20 days of your receipt of this subpoena and order. All answers to questions must be submitted under oath.

Mr. Mount  
MDS Communications Corp.  
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If you have any questions, please contact me at the toll free number (800) 424-9530.

Sincerely,

*Dawn M. Odrowski*

Dawn M. Odrowski  
Attorney

Enclosure  
Subpoena and Order

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

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MUR 3774

**SUBPOENA TO PRODUCE DOCUMENTS**  
**ORDER TO SUBMIT WRITTEN ANSWERS**

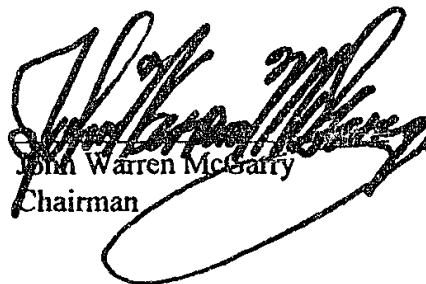
TO: MDS Communications Corp.  
Jonathan D. Mount, President  
5005 S. Ash Avenue, Suite 15A  
Tempe, AZ 85282

Pursuant to 2 U.S.C. § 437d(a)(1) and (3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby subpoenas the documents listed in the attachment to this Subpoena and orders you to submit written answers to the questions attached to this Order. Legible copies which, where applicable, show both sides of the documents may be substituted for originals.


Notice is given that these documents and answers must be submitted to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, within 20 days of this Subpoena and Order.

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his  
hand in Washington, D.C. on this 21st day of August, 1997.

For the Commission,

  
John Warren McGarry  
Chairman

ATTEST:

  
Marjorie W. Emmons  
Secretary to the Commission

Attachment  
Document Request and Questions

## **INSTRUCTIONS**

In answering this request for production of documents and these interrogatories, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and, unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot provide the requested documentation in full or answer the following interrogatories after exercising due diligence to secure the full information, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following requests for production of documents or interrogatories, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from October 1, 1994 to December 31, 1994.

The following requests for production of documents and interrogatories are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

### **DEFINITIONS**

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"MDS Communications Corp." shall mean the named entity to which these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to order forms, invoices, contracts, notes, letters, facsimiles, log sheets, diaries, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained. For all types of documentary records requested, if any record is maintained on any storage format for computerized information (e.g., hard drive, floppy disk, CD ROM), provide copies of the records as maintained on that storage format in addition to hard (i.e., paper) copies.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and request for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

### **REQUEST FOR PRODUCTION OF DOCUMENTS**

Within 20 days of service of this Subpoena, MDS Communications Corp., is required to submit all documents cited below:

All documents relating to work performed, or services rendered, by MDS Communications Corp., or by any subcontractor of MDS Communications Corp., for the National Right to Life Committee, between October 1, 1994 and January 1, 1995. Such documents shall include, but are not limited to, contracts, invoices, purchase orders, letters, memos, notes, facsimile transmissions, electronic mail transmissions and checks.

### **REQUEST FOR ANSWERS TO QUESTIONS**

1. Identify all current and former officers, employees and consultants of MDS Communications Corp., with knowledge of work performed, or services rendered, by MDS Communications Corp., for the National Right to Life Committee ("NRLC") between October 1, 1994 and December 31, 1994.
2. Identify any and all subcontractors of MDS Communications Corp. who conducted telemarketing programs for the NRLC between October 1, 1994 and December 31, 1994.
3. Identify the owner(s) of all lists used by MDS Communications Corp., or any of its subcontractor(s) in telemarketing programs conducted for the NRLC between October 1, 1994 and December 31, 1994. For those lists not provided directly by the list's owner, identify the source providing the list.
4. For each telemarketing program conducted by MDS Communications Corp. or any subcontractor(s) for the NRLC between October 1, 1994 and December 31, 1994, provide the dates of such program(s), the total number of phone calls made, the state(s) in which phone calls were made, and the total cost of the program.
5. State whether Denise Neary is currently an employee or consultant of MDS Communications Corp. If so, state when she began working for MDS and provide her current position, business address and telephone number.
6. For each question above, identify the person(s) who has the most knowledge with respect to your answer.